

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AMIRAH IMAN-THIAM,)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.
)	
v.)	
)	[On Removal from State Court of
PUBLIX SUPER MARKETS, INC.,)	Cobb County, Civil Action No.
)	25-A-2262]
Defendant.)	
)	<u>JURY TRIAL DEMANDED</u>

DEFENDANT’S NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, Defendant Publix Super Markets, Inc. (“Defendant”) hereby removes the above-captioned action, filed by Plaintiff Amirah Iman-Thiam (“Plaintiff”), in the State Court of Cobb County, in the State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, respectfully showing the Court as follows:

GROUND FOR REMOVAL

1. Plaintiff commenced the action styled *Amirah Iman-Thiam v. Publix Super Markets, Inc.*, Civil Action File No. 25-A-2262, by filing a complaint in the State Court of Cobb County, in the State of Georgia, (the “State Court Action”) on

April 15, 2025. *See* Complaint for Damages (“Complaint”), attached as **Exhibit** [“**Ex.**”] A.

2. Plaintiff has filed suit in connection with an alleged sexual battery that occurred at a Publix store located at 1425 Market Boulevard, Suite 600, Roswell, Georgia 30076 on September 26, 2022. *See* **Ex. A** at ¶¶ 4-13. In the Complaint, Plaintiff seeks damages from Defendant for its negligent hiring and retention of its employee. *Id.* at ¶¶ 21-35. Plaintiff also alleges that Defendant is liable for attorneys’ fees and punitive damages. *Id.* at ¶¶ 37-39.

3. As set forth more fully below, the State Court Action warrants removal to this Court because all procedural requirements for removal are satisfied, there exists complete diversity of citizenship between Plaintiff and Defendant, and the matters in controversy exceed the sum or value of \$75,000.00, exclusive of interest and costs. *See* 28 U.S.C. §§ 1441, 1446, and 1332.

4. Moreover, the United States District Court for the Northern District of Georgia, Atlanta Division, is the appropriate court for filing this Notice of Removal pursuant to 28 U.S.C. § 1446(a), as it is the district court for the district and division within which the State Court Action is pending.

5. At the time the Complaint was filed, Plaintiff was domiciled in the State of Georgia, such that she is a citizen of Georgia. *See* **Ex. A** at ¶ 1; *see Ennis*

v. Smith, 55 U.S. 400, 423 (1852) (“Where a person lives, is taken prima facie to be his domicile, until other facts establish the contrary.”); *see also McCormick v. Aderholt*, 293 F.3d 1254, 1257 (11th Cir. 2002) (“Citizenship is equivalent to ‘domicile’ for purposes of diversity jurisdiction.”).

6. Defendant is a foreign corporation with its principal place of business in Florida. *See Ex. A* at ¶ 2; *see also* Office of the Georgia Secretary of State Printout – Business Entity Details for Defendant, attached as **Ex. B**. Defendant is therefore deemed a citizen of Florida for purposes of 28 U.S.C. §§ 1441 and 1332. *See* 28 U.S.C. § 1332(c). Defendant received service of the Complaint on April 23, 2025, as evidenced by the Affidavit of Service, attached as **Ex. C**.

7. Based on the foregoing, pursuant to 28 U.S.C. § 1332, there exists complete diversity of citizenship between Plaintiff and Defendant.

8. As of the submission of this filing, Defendant has not filed an answer or responsive pleading to the Complaint in the State Court Action.

9. Given that this Notice of Removal is being filed within 30 days of service of the initial pleadings to Defendant, it is timely pursuant to 28 U.S.C. § 1446(b).

10. Plaintiff’s Complaint alleges she was forced to cancel a “7-figure international tour agreement” as a result of the “emotional and physical trauma

caused by [Defendant's] negligence.” See **Ex. A.** at ¶¶ 15-16. Plaintiff also pleads that she incurred “personal injuries, mental and emotional pain and suffering, [and] mental anguish.” *Id.* ¶ 37. Further, Plaintiff seeks punitive damages and attorneys’ fees under O.C.G.A. § 13-6-11. *Id.* ¶ 38-39. Additionally, Plaintiff submitted a pre-suit demand for \$2,000,0000. See 2/13/2025 Demand Letter, attached as **Ex. D.** “As a general matter, a settlement offer may constitute other paper from which it may first be ascertained that the case is one which is or has become removable.” *Maisonneuve v. Quiktrip Corp.*, No. 1:15-CV-02603-ELR, 2015 WL 12645741, at *1 (N.D. Ga. Oct. 20, 2015) citing *Lowery v. Alabama Power Co.*, 483 F.3d 1184, 1213 & n. 62 (11th Cir. 2007) (acknowledging that district courts may consider settlement offers to determine if the amount in controversy exceeds \$75,000). As such, it is apparent that the jurisdictional requirement for removal to this Court is satisfied. 28 U.S.C. § 1332(a).

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings served on Defendant are attached hereto. See **Ex. A.**

12. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide Plaintiff with written notice of the filing of this Notice of Removal and file with the Clerk of the State Court of Cobb County, in the State of Georgia, a copy of this Notice of Removal. See Notice of Filing Notice of Removal, attached as **Ex. E.**

13. Based on the foregoing, and pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, the State Court Action warrants removal to this Court because all procedural requirements for removal are satisfied, there exists complete diversity of citizenship between Plaintiff and Defendant and the matters in controversy exceed the sum or value of \$75,000.00, exclusive of interest and costs.

14. Further, Defendant demands a jury trial on all the issues so triable.

15. The filing fee of \$402.00 has been paid electronically into the registry of the United States District Court contemporaneously with the filing of this Notice.

WHEREFORE, Defendant respectfully requests that the above captioned action, filed by Plaintiff in the State Court of Cobb County, in the State of Georgia, be REMOVED to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. §§ 1441, 1446, and 1332.

Respectfully submitted and signed, pursuant to Fed. R. Civ. P. 11, on this 23rd day of May, 2025, by:

WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC

/s/ Jason T. Vuchinich
Frederick N. Sager, Jr.
Georgia Bar No. 622070
Lindsay G. Ferguson
Georgia Bar No. 140970

Jason T. Vuchinich
Georgia Bar No. 537503
3344 Peachtree Rd, N.E., Suite 2400
Atlanta, Georgia 30326
404-876-2700
rsager@wwhgd.com
lferguson@wwhgd.com
jvuchinich@wwhgd.com

Counsel for Publix Super Markets, Inc.

RULE 7.1D CERTIFICATE OF TYPE, FORMAT AND FONT SIZE

Pursuant to Local Rule 7.1D of the United States District Court for the Northern District of Georgia, the undersigned certifies that the foregoing submission to the Court was computer-processed, double-spaced between lines, and prepared with 14-point Times New Roman font.

/s/ Jason T. Vuchinich

Jason T. Vuchinich

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing upon all counsel of record via the Court's electronic filing system, as follows:

Jonathon S. Tonge
Justin D. Edge
ANDERSON, TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Boulevard, Suite 4000
Duluth, Georgia 30097
jtonge@atclawfirm.com
jedge@atclawfirm.com

Counsel for Plaintiff

This 23rd day of May, 2025.

/s/ Jason T. Vuchinich
Jason T. Vuchinich